REMARKS

The Office Action has been carefully considered. The claim of foreign priority has been perfected by filing a certified copy of the priority document. Claims 5 and 9 have been amended to correct cited informalities. Claims 10 and 17 have been amended to overcome 35 U.S.C. § 112, ¶ 2 rejections.

On the merits, claims 1-18 were rejected under 35 U.S.C. § 102(b) over Meier '822, or under 35 U.S.C. § 103(a) under Meier in view of Reist '894. In response thereto, independent claim 1 has been amended. Applicants submit that claim 1, as amended, should be in allowable form for the following reasons.

Meier discloses a positive stop formed only at each gripper. However, Meier fails to teach a positive stop of two-part design, a first part being stationary and a second part being movable. Furthermore, Meier fails to teach guiding the leading edge of the products by means of the movable second part toward a stationary first part of the positive stop. Meier further fails to disclose a stationary first part forming a stop surface, and a movable second part also forming a stop surface, whereby the two stop surfaces intersect and are disposed at an angle to each other.

In contrast to Meier, claim 1 requires a positive stop with a stationary first part. The gripper of the claim 1 is thus of simpler design than those of Meier. Furthermore, the present invention permits the use of different angles between the convening direction of the grippers in the transfer region and the leading direction of the products. Whereas, with Meier the angle must be small, the apparatus of the present invention reliably functions even if the angle is 90°.

Accordingly, claim 1 cannot be anticipated by Meier. It follows then, that the 35 U.S.C. § 102(b) rejection should be withdrawn.

As hereinbefore made clear, the features of the original claim 3 are now incorporated into new claim 1. The original claim 3 was rejected as being unpatentable over Meier in view of Reist. Under item 12 of the Office Action, it is noted that "Reist teaches a positive stop of two-part design (44 and 37) in order to prevent movements of

the printed product until entrainment by the next gripper (column 7, lines 308)." Applicants respectfully submit that Reist does not in fact, teach such a construction.

Reist is explained in paragraphs 0002 and 0003 of the present application. There, the mode of operation of the stationary stop rail is also mentioned (see paragraph 0002, lines 10 to 14). The stop rail 44 is stationary and prevents printed products that pass too early into the transfer region, from moving further. This is to ensure that printed products which have entered too early can easily be gripped at the correct point of time by the gripper assigned to it. Only in exceptional cases does a printed product arrive with its leading edge at the stop rail, since the individual conveyor comprising the grippers is controlled so that each gripper arrives at the transfer region in synchronism with the printed product which is to be seized by such gripper (see Reist, column 4, lines 51 to 61). Consequently, the stop rail 44 is not a positive stop in the sense that each printed product abuts it.

In Reist, the part 37 (taken by the Examiner as a movable part of the stop) has, in fact, no stopping effect and is not part of the stop. The part 37 is a upper clamping jaw of the gripper. As explained in column 7, line 3ff, in the event that a printed product should arrive in front of a gripper, at the transfer region, then the printed product travels against the stop rails 44 and is prevented by the latter from carrying out any further movement until it is entrained by the next gripper. The upper clamping jaws 37 and 38 are opened to such an extent that they travel past a printed product, impacting against the stop rail 44, and such printed product can be engaged by the lower clamping jaw 36. According to Reist, the stop exclusively comprises the two parallel stop rails 44 (see Figures 2 and 3) and these stop rails prevent any further movement of the respective printed product.

In contrast to Reist, the claimed stop of the present invention is a positive stop against which each printed product abuts. The stop of the present invention comprises a stationary first part and a movable second part. Because the second part is movable, the leading edge of the printed product abutting against the stationary first part can move further as a result of the movement of the second part. As a consequence, and contrary to the teaching of Reist, the printed product is not prevented by the positive stop from carrying out further movement.

Furthermore, the feed gap 26 of the Reist apparatus ends at a distance from the stop rails 44 that is larger than the products. This prevents further movement of a printed product from butting against the stop rails 44. It also contradicts the purpose of the present invention.

The teachings of Meier and Reist are contradictory. Meier teaches only having a movable positive stop arranged at each gripper, and holding the printed product by means of the conveying nip under the conveying action of the belt conveyor at least until the grippers are closed. In contrast, Reist teaches only to have a stationary stop and to prevent a product abutting against this stop from any further movement. The result is that a skilled practitioner neither teaches nor suggests applicants' invention in these references. As such, applicants submit that the 35 U.S.C. § 103(a) rejection should be withdrawn.

Claim 11 has also been rejected on a different combination of references, Meier and Honegger '708. For the foregoing reasons, applicants also submit that this rejection should be withdrawn.

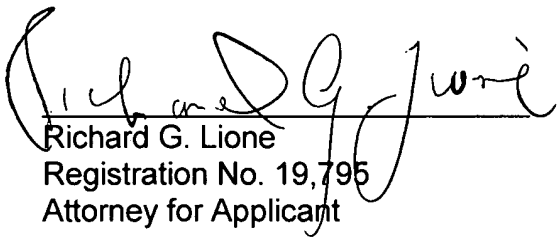
First, claim 11 defines a method of operating the apparatus described in claim 1. As established above, the apparatus according to the claim 1 is both new and unobvious. Therefore, it would be illogical for contradictory prior art in the combination arranged to conclude that a method as defined in claim 11 would have been obvious.

Second, a skilled practitioner would not combine Meier and Honegger, since their methods are also contradictory. Meier discloses an apparatus that first accelerates the printed products and then pushes them into the open gripper mouth, until abutting the stop, in order to thereby align the printed products at the region of their leading edges (see the Abstract). According to Honegger, the printed products may not simply be pushed against a stop, since the length F (see Figure 1) between the leading edges of the two products to be seized by one gripper must remain unaltered. For that purpose, the two products are held in the nip until the respective gripper is completely closed.

Accordingly, claim 11 also defines unobvious subject matter. As such, the rejection of claim 11 under 35 U.S.C. § 103(a) should be withdrawn.

The application should now be in condition for allowance. Passage to issue is respectfully requested.

Respectfully submitted,



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